



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1998

Ms. Mary Keller
Senior Associate Commissioner
Texas Department of Insurance
Legal and Compliance
MC 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR98-2572

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 119120.

The Texas Department of Insurance (the "department") received a request for "a copy of the Financial and Compliance Review of NYLCAre Health Care Plans of the Gulf Coast." The request for this information is made on behalf of the City of Houston, Office of the Controller.¹ In response to the request, you submit to this office for review a copy of the information which you assert is responsive. You claim that the submitted department Examination Report and Quality of Care Examination concerning NYLCAre are excepted from disclosure under section 552.101 and 552.112 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

You claim that the department's Examination Report and the Quality of Care Examination report, prepared by the Texas Medical Foundation for the department, are excepted from disclosure under section 9, article 1.15 of the Insurance Code in conjunction with section 552.101 of the Government Code. Section 552.101 of the Government Code

¹Generally, information may be transferred between governmental agencies which are subject to the Open Records Act without destroying the confidential nature of the information. Attorney General Opinion JM-590 (1986); Open Records Decision Nos. 655 (1997), 567 (1990), 561 (1990), 516 (1989), 468 (1987) (interagency transfers of information are not considered "public" disclosures). These decisions are grounded in the well settled policy of the state that state agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. See Open Records Decision No. 516 (1989).

excepts from disclosure information considered to be confidential by law, including statutory law. Section 9, article 1.15 makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier. Ins. Code art. 1.15, § 9, Open Records Decision No. 640 (1996). We agree that the department must withhold from disclosure the submitted information pursuant to section 9 of article 1.15.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly

A handwritten signature in black ink, appearing to read "Sam Haddad", written in a cursive style.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref.: ID# 119120

Enclosures: Submitted documents

cc: Ms. Sarah Smith
Office of the Controller-Houston
P.O. Box 1562
Houston, Texas 77251-1562
(w/o enclosures)

²As we resolve this matter under section 552.101 in conjunction with section 9, article 1.15 of the Insurance Code, we need not address your other claimed exception at this time.